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**PATENT**
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## Remarks

Claims 1-20 are pending and stand rejected. Claim 1 is currently amended. Applicants respectfully request reconsideration of the claim rejections based on the following Remarks.

### Claim Rejections – 35 U.S.C. §102

Claims 1-8 and 11-17 are rejected as being anticipated by U.S. Patent Application Publication No. 2002/0080930 to Cho. Applicants respectfully traverse the rejections and contend that at the very least, the subject matters of claims 1 and 11 are patentably distinct and patentable over Cho.

For instance, with regard to claim 1, Cho does not disclose a media terminal adaptor for use in a communication network adapted to have a telephone connected thereto, wherein the media terminal adaptor includes a *provisioning error message generator/player for generating and playing a diagnostic message through said telephone (which is connected to the media terminal adaptor) indicative of the detected non-provisioned status, when said telephone is taken off-hook*, as essentially recited in claim 1.

Moreover, with regard to claim 11, Cho does not disclose or suggest *a method of generating and playing diagnostic messages by a media terminal adaptor having a telephone connected thereto*, which comprises detecting a non-provisioned status of said media terminal adaptor; *and generating and playing a diagnostic message through said telephone indicative of the detected non-provisioned status, when said telephone is taken off-hook*, as essentially recited in claim 11.

Support for present principles embodied in claims 1 and 11 can be found on page 4, lines 19-32 of the current specification, which recites:

> "The MTA's DSP (digital signal processor) 12 and POTS endpoint circuitry 14 are enabled early in the boot-up sequence, prior to the start of the MTA's provisioning. If the MTA's provisioning is successful, the MTA 10 enters its normal operating mode. Thereby, when the user takes the phone handset off-hook, which is detected by the off-hook detector 26, the user/listener hears the dial tone. In other words, the POTS endpoint circuitry 14 sends an audio dial tone signal to the telephone 50.

> 'On the other hand, if the MTA's provisioning was not successful or if the service provider placed the MTA in an out-of-service state via the MTA's out-of-service configuration file 30 or MTA's MIB element setting, as detected by the provisioning failure detector 32, the MTA 10 will play an appropriate diagnostic audio message (voice and/or tone sequence) when the user takes the phone off-hook, as detected by the off-hook detector 26."

On a fundamental level, the teachings of Cho are much different from the claimed inventions. Cho generally discloses a method of operating an Internet gateway, wherein when abnormal services due to matching between networks is interrupted, the Internet telephone gateway performs a process flow for terminating a call with a corresponding subscriber terminal unit using an internal failure alarm system (see, Abstract.). In the Cho system, when an alarm occurs, the Internet telephony gateway directly performs a flow for normally terminating the call with the one, which is normally operation, between the terminal unit of the PSTN and the terminal unit for the IP network (see, paragraph [0021]). In particular, Cho teaches that the Internet telephony gateway checks states of the PSTN or the IP network in real time and performs a proper call processing with either the terminal unit for the PSTN or the terminal unit for the IP network, in which the failure does not occur (see paragraph [0022]).

Cho explains in paragraphs [0016] and [0088] that the purpose of the failure alarm and call termination process of the Cho system is to address problem associated with prior art call processing frameworks in that when one terminal unit is in failure state, the other terminal unit does not receive any notice thereof, which is disadvantageous since a corresponding user of the other terminal unit is merely in standby state for a predetermined time, and that the corresponding user must pay communication fees corresponding to the predetermined standby time, which causes subscribers loss in both time and economical aspects. (See paragraph [0016] of Cho.)

With the Cho system, however, when interruption of abnormal services due to matching between different networks occurs, the Internet telephony gateway that connects the PSTN with the IP network directly provides the call termination message, the tone, and the announcement to the corresponding subscriber terminal unit using the internal alarm system. Accordingly, the subscriber terminal unit does

not have to be in standby state for a long time without any reason when interrupt of the services occurs. (See paragraph [0088] of Cho.)

In view of the above, it is clear that the Cho system is directed to a system in which an alarm signal is generated in real-time during an actual call session (after the call between two terminal units, for instance) to provide an audible call termination signal or message to inform a user that interruption is call connection service has been encountered. This is starkly different from the claimed inventions in which the MTA is adapted to detect the status of a non-provisioned state of the MTA, and to provide a diagnostic message through a telephone connected to the MTA which indicates the detected non-provisioned status, when the telephone is taken off-hook.

Accordingly, for at least the above reasons, claims 1 and 11 are patentably distinct and patentable over Cho. Moreover, claims 2-8 and 12-17 are patentably distinct and patentable over Cho for at least the same reasons given for respective base claims 1 and 11. Withdrawal of the anticipation rejections is thus requested.

**Claim Rejections – 35 U.S.C. §103**

Claims 9-10 and 18-20 are rejected as being unpatentable over Cho in view of Miyauchi et al (EP 1235416). Applicants respectfully assert that the obviousness rejections are legally deficient as a matter of law at least to the extent of the Examiner's misplaced reliance on Cho as applied to the base claims 1 and 11 from which claims 9-10 and 18-20 respectively depend. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

No fee is believed to have been incurred by virtue of this amendment. However, if a fee is incurred on the basis of this amendment, please charge such fee to Deposit Account No. 07-0832.

Respectfully submitted,

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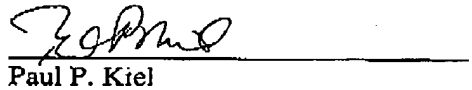
By: 

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